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VIA Electronic Mail

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**RE: WPHA Comments in the Development of Working Definitions within the Environmental Justice Action Plan and Pilot Projects.**

On behalf of the WPHA, I am submitting comments regarding working definitions for “cumulative and multi-media cumulative impacts” within Cal-EPA’s Environmental Justice Action Plan and Pilot Projects.

**Developing Definitions for Environmental Justice Programs**

At the recent Environmental Justice workshops held by Cal-EPA, the agency stated it was working to establish working definitions for “cumulative impacts”, “multi-media cumulative impacts.” WPHA believes these definitions must be clearly defined, and should be established prior to the start of the up-coming pilot projects, so all parties; both businesses and communities understand what the parameters and scope of the pilot projects. Defining these terms for will take more than one round of comments, and the lead agencies responsible for developing these definitions should engage in ongoing discussions with all interested groups to finalize these definitions.

**Cumulative Impacts**

We oppose the definition recommended by the Environmental Justice Advisory Committee that the definition for cumulative impact should be “the total burden of all emission and discharges in a geographical area.”

Any definition should include language identifying the role of science and risk. To develop the definition for cumulative impact, which we believe is key in developing the guidelines for the pilot projects; we believe the definition for cumulative impact requires ongoing discussion.

Within a definition for “cumulative impacts” the following concepts should be incorporated.

- The definition should include language that requires the use of scientific principles.
- All cumulative impact data should undergo a science-based cumulative impact analysis.
- This analysis should be a peer-reviewed process.
- While the process should be transparent, any release of data during the pilot project should be accompanied by an analysis developed scientifically by the over-seeing agency.
- Upon completion of a cumulative impact analysis, any recommendations that include alternative actions should include the direct and indirect effects of the alternative action.

### **Additional Comments on “Cumulative Impacts.”**

We support the right of the public to have an advisory role in the evaluation process and pilot projects. However, we believe that this role should be directed toward making sure that the overseeing agencies acknowledge issues of concern, that agencies maintain transparency in their decision making process, and that agencies provide clear explanations for their evaluations, and the parameters of the pilot projects.

The collection and evaluation of cumulative impact data should be conducted in a cost-effective manner. With limited resources available to agencies, it is important to utilize already existing data and scientifically sound analysis by agencies. Agencies should inventory research already available and utilize it in their evaluations.

### **Multi-Media Cumulative Impacts**

WPHA supports a definition for “multi-media cumulative impacts” as “the adverse health risk posed by exposure to pollutants from multiple pollution sources.”

We support this definition for the following reasons.

- It is consistent with OEHHA’s guidance on health risk assessment, and includes the term “health risk”. This designates the role of risk assessment in the analysis process.
- The use of risk assessment allows for the use of objective and not subjective evaluation of data and exposure paths.
- The use of this scientific principle allows Cal-EPA to continue to require the parameters for the collection of data to be developed through a scientifically sound process.
- Cal-EPA should utilize peer-reviewed protocols in the analysis of multi-media cumulative impacts.

- It identifies multiple “pollution sources” without limiting or targeting sources within a project or the definition.
- It allows for consideration of the path of the exposures, without pre-depositing how a detection occurs.
- The use of science allows Cal-EPA to objectively prioritize its focus of work.

### **Additional Comments on “Multi-Media Cumulative Impacts”**

WPHA opposes the definition of multi-media cumulative impact” to include social factors. Suggestions that factors like health insurance, emotional stress, housing, and crime should be incorporated into a definition are inappropriate. Cal-EPA is not capable of either evaluating or remediating these types of issues. While these issues are of importance to communities, we do not believe that there is a peer-reviewed or scientific method to evaluate social injustices.

We believe that OEHHA’s guidance for risk-assessment already takes into account populations with the highest vulnerability. These are protocols that will utilize risk assessment and objective science in evaluations, and avoid speculative or arbitrary results.

Many factors that impact health risks are life style choices. Factors like alcohol consumption, drug use, smoking and fat consumption do impact community health. While these issues should be addressed, we do not believe this can be done through a cumulative impact analysis.

As with “cumulative impacts” we support the right of the public to have an advisory role when agencies are addressing this issue. Again, this role should be directed toward making sure that the overseeing agencies acknowledge issues of concern, that agencies maintain transparency in their decision making process, and provide clear explanations for the parameters of an evaluation process or the pilot projects to those concerned parties.

The collection and evaluation of multi-media cumulative impact data should be conducted in a cost-effective manner. With limited resources available to agencies, it is important to utilize already existing data and scientifically sound analysis by agencies. Agencies should inventory research already available and utilize it in their evaluations.

### **Closing Comments**

WPHA applauds the success the Cal-EPA has had in improving environmental protection. We support Cal-EPA’s ongoing effort to fill gaps in environmental protection, and their awareness of the need to continue to address environmental issues. We support the administrations ongoing effort to improve California’s business climate while maintaining our leadership position in environmental protection. We believe that it important that while Cal-EPA continues to address environmental justice issues that it maintains its awareness of the impact of regulations on the business climate.

Clearly, environmental justice is a challenging and important issue. We appreciate Cal-EPA's leadership to address this issue, and will continue to work with all agencies involved in addressing this issue. Thank you for your consideration of our comments. Please feel free to contact me with any questions you may have related to this letter.

Sincerely,

Renee Pinel  
Director of Policy & Legislation

Cc: The Honorable Terry Tamminen  
The Honorable James Branham  
Ms. Tam Duloc  
Mr. Louie Brown